

## SEVENTH DAY.

(Tuesday, March 5, 1918.)

The House met at 10 o'clock a. m.  
pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Atlee.	McComb.
Bass.	McCord.
Beard.	Meador.
Beasley.	Metcalfe.
Beason.	Miller of Austin.
Bedell.	Monday.
Bell.	Morris.
Bennette.	Murphy.
Bertram.	Murrell.
Blackburn.	Neill.
Blackmon.	Nordhaus.
Bledsoe.	O'Banion.
Brown.	Osborne.
Bryan.	Parks.
Burton of Rusk.	Peyton.
Butler.	Pillow.
Cadenhead.	Poage.
Canales.	Pope.
Carlock.	Raiden.
Cates.	Reeves.
Clark.	Roemer.
Cope.	Rogers.
Cox of Bee.	Sackett.
Cox of Ellis.	Sentell.
Crudgington.	Schlesinger.
Davis of Dallas.	Schlosshan.
Davis of Grimes.	Seawright.
Davis of Harris.	Sholars.
Davis	Smith of Bastrop.
of Van Zandt.	Smith of Hopkins.
De Bogory.	Smith of Scurry.
Dodd.	Spencer.
Dudley.	Spradley.
Dunnam.	Sneed.
Estes.	Stewart.
Fairchild.	Stephens.
Fly.	Strayhorn.
Ford.	Swope.
Greenwood.	Taylor.
Haidusek.	Templeton.
Hardey.	Terrell.
Harris.	Thomas.
Henderson.	Thomason
Hill.	of El Paso.
Holland.	Thomason
Hudspeth.	of Nacogdoches.
Johnson of Blanco.	Thompson
Johnson of Ellis.	of Hunt.
Jones.	Tillotson.
King.	Tilson.
Laas.	Tinner.
Lackey.	Traylor.
Laney.	Upchurch.
Lanier.	Vaughan.
Lee.	Veatch.
Lindemann.	Wahrmund.

McCoy.  
McDowra.  
McMillin.  
Mathis.  
Walker.  
White.

Williams  
of Brazoria.  
Williford.  
Wilson.  
Woods.  
Yantis.

Absent.

Bagby.	O'Brien.
Burton of Tarrant.	Richards.
Lacey.	Sallas.
Moore.	Valentine.

Absent—Excused.

Baker.	Mendell.
Bland.	Miller of Dallas.
Denton.	Robertson.
Holaday.	Thompson
Lange.	of Red River.
Lowe.	Williams
McFarland.	of McLennan.

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Mendell, for today, on motion of Mr. Cates.

Mr. Holaday, for last Saturday, yesterday, today and indefinitely, on motion of Mr. Cope.

Mr. Lange, for today, on motion of Mr. Lindemann.

Mr. Denton, for today and tomorrow, on motion of Mr. Parks.

The following member was excused indefinitely on account of sickness:

Mr. McFarland for today, on motion of Mr. Tillotson.

MOTION TO PRINT HOUSE BILL  
NO. 25.

Mr. Dodd moved that House bill No. 25, reported adversely, be printed.

Yeas and nays were demanded, and the motion to print was lost by the following vote:

Yeas—43.

Bertram.	Davis
Blackmon.	of Van Zandt.
Brown.	Dodd.
Burton of Rusk.	Estes.
Cates.	Fairchild.
Crudgington.	Greenwood.
Davis of Dallas.	Jones.
Davis of Grimes.	McCoy.
Davis of Harris.	Meador.

Metcalfe.	Smith of Hopkins.
Monday.	Spradley.
Murphy.	Sneed.
Nordhaus.	Stewart.
Parks.	Swope.
Peyton.	Thompson
Pope.	of Hunt.
Raiden.	Tilson.
Reeves.	Tinner.
Roemer.	Traylor.
Rogers.	Wahrmund.
Sentell.	Williams
Sholars.	of Brazoria.
Smith of Bastrop.	Williford.

Nays—67.

Atlee.	Lindemann.
Bass.	McComb.
Beard.	McCord.
Beasley.	McDowra.
Beason.	McMillin.
Bedell.	Mathis.
Bell.	Miller of Austin.
Bennette.	Morris.
Blackburn.	Murrell.
Bryan.	Neill.
Butler.	O'Banion.
Cadenhead.	Osborne.
Clark.	Pillow.
Cope.	Poage.
Cox of Bee.	Sackett.
Cox of Ellis.	Sallas.
De Bogory.	Schlesinger.
Dudley.	Schlosshan.
Dunnam.	Seawright.
Fly.	Smith of Scurry.
Ford.	Strayhorn.
Haidusek.	Taylor.
Hardey.	Templeton.
Harris.	Thomas.
Henderson.	Thomason
Hill.	of El Paso.
Holland.	Thomason
Johnson of Blanco.	of Nacogdoches.
Johnson of Ellis.	Vaughan.
King.	Walker.
Laas.	White.
Lackey.	Wilson.
Laney.	Woods.
Lanier.	Yantis.
Lee.	

Present—Not Voting.

Veatch.

Absent.

Bagby.	Richards.
Bledsoe.	Spencer.
Burton of Tarrant.	Stephens.
Canales.	Terrell.
Carlock.	Tillotson.
Lacey.	Upchurch.
Moore.	Valentine.
O'Brien.	

Absent—Excused.

Baker.	Mendell.
Bland.	Miller of Dallas.
Denton.	Robertson.
Holaday.	Thompson
Hudspeth.	of Red River.
Lange.	Williams
Lowe.	of McLennan.
McFarland.	

#### INVITING OKLAHOMA OFFICIALS TO ADDRESS THE HOUSE.

Mr. McMillin offered the following resolution:

Whereas, The Hon. W. L. Alexander, State Treasurer of Oklahoma, and State Senator O. J. Logan of Oklahoma, were by resolution invited to address the House on the subject of a State Depository Law; and

Whereas, The above named gentlemen will arrive in the city late this evening; therefore, be it

Resolved, That Hon. W. L. Alexander and Hon. O. J. Logan be invited to address the House at 9 o'clock a. m., Wednesday, March 6, 1918, and invitation is hereby extended the members of the Senate, and the public is invited to attend.

The resolution was read second time and was adopted.

The Speaker announced the appointment of Mr. McMillin, Mr. Bledsoe, Mr. Reeves and Mr. Mendell to entertain Hon. W. L. Alexander and Hon. O. J. Logan.

#### PROVIDING TYPEWRITER RENT AND RIBBONS.

Mr. Parks offered the following resolution:

Whereas, It is necessary for the Assistant Enrolling and Assistant Engrossing Clerks of the House to use typewriters; therefore, be it

Resolved, That the said clerks be allowed typewriter rents and ribbons the same as are allowed the stenographers of the House, cost of same to be paid out of the contingent expense fund.

The resolution was read second time and was adopted.

#### RELATING TO CONCERT BY CHILDREN OF BLIND INSTITUTE.

Mr. Jones offered the following resolution:

Whereas, At the Regular Session of the Thirty-fifth Legislature the children

of the Blind Institute gave a concert at the Majestic Opera House, which was in every respect most creditable and showed the great progress made by the children, and

Whereas, There are many members of this Legislature who did not attend this performance; therefore, be it

Resolved, That the principal of said institute be requested to give another concert or entertainment at some time during the present session, and that the Speaker appoint a committee of three to communicate this request to the principal of said institute.

The resolution was read second time and was adopted.

In accordance with above action, the Speaker announced the appointment of the following committee: Mr. Jones, Mr. Clark and Mr. Terrell.

#### RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read, the following enrolled resolutions:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America, passed by the Sixty-fifth Congress of the United States of America at its Second Session, which amendment provides in substance that one year after the ratification of the amendment the manufacture, sale or transportation of intoxicating liquors within, the importation thereof, into, or the exportation thereof, from the United States and all territory subject to the jurisdiction there, for beverage purposes is prohibited; that Congress and the several States shall have concurrent power to enforce this article by appropriate legislation, and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress.

H. C. R. No. 3, Inviting Miss Van Gastel to address the Legislature.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 4, 1918.  
Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 10, A bill to be entitled

"An Act to amend Article 611 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of spirituous or vinous liquors in quantities of one gallon or less, without taking out a license as a retail liquor dealer; prescribing a penalty for the violation of this act; providing that prosecutions under this act shall have precedence upon the dockets of the district court; providing that persons convicted of violations of this act shall not have the benefits of the suspended sentence act, and declaring an emergency," with amendments.

H. B. No. 15, A bill to be entitled "An Act declaring that if any person shall knowingly, during the time the United States of America is at war, use any language, in the presence and hearing of another, or of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, which language is disloyal to the United States of America, or abusive in character and calculated to bring into disrepute the United States of America," etc., with amendments.

H. B. No. 11, A bill to be entitled "An Act to amend Article 612 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of malt liquors capable of producing intoxication, in quantities of one gallon or less without taking out a license as a retail malt dealer; prescribing a penalty for the violation of this act; providing that prosecutions thereunder shall have precedence in the district court; providing that persons convicted for violations of this act shall not have the benefit of the suspended sentence act, and declaring an emergency," with amendments.

The Senate concurs in H. C. R. No. 3, Inviting Miss Van Gastel to address the Legislature.

Respectfully,

RALPH SOAPE,  
Secretary of the Senate.

#### INVITING HON. W. L. HILL TO ADDRESS THE HOUSE.

Mr. Peyton offered the following resolution:

Whereas, The Hon. W. L. Hill, a former honored member of this House, is now in the city; therefore be it

Resolved, That he be invited to address this House now, upon any subject he may elect.

Signed—Peyton, McMillin, Blackmon.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. Peyton, Mr. McMillin and Mr. Blackmon to escort Mr. Hill to the Speaker's stand.

The committee having performed their duty, Mr. Hill addressed the House, being introduced by the Speaker.

#### MESSAGES FROM THE GOVERNOR.

Mr. S. Raymond Brooks, secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor which were read to the House:

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. George W. Mendell, Jr., of Travis county, I submit for your consideration an act to amend Articles 475 and 476 of the Penal Code of the State of Texas prohibiting the carrying of deadly weapons.

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Henry Sackett of Coleman county, I submit the following subject for your consideration: "An Act to diminish and re-establish the limits of Talpa Independent School District."

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

Gentlemen: I submit for your consideration the following subject: "An Act to suspend certain provisions of Chapter 146, General Laws of 1913, page 297 et seq., during the period of the war between the United States and the Imperial German government, and for twelve months after the President shall have proclaimed that a treaty of peace

has been concluded, and declaring an emergency."

Accompanying this message, I submit for your consideration letters from a committee representing the Game, Fish and Oyster Department of Texas, wholesale, fish, oyster and shrimp dealers along the Texas coast, and also a letter from Hon. E. A. Peden, United States Food Administrator for Texas.

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

(Copy.)

Houston, Texas, February 28, 1918.

Hon. W. P. Hobby, Governor of Texas,  
Austin, Texas.

Dear Sir: The undersigned, constituting a committee representing, respectively, the Game, Fish and Oyster Department of Texas, wholesale fish, oyster and shrimp dealers along the Texas coast, and the United States Food Administration for Texas, charged with the duty of investigating and suggesting a relief of conditions created by the scarcity of fish, oysters and shrimp produced from Texas' coast waters and the urgent necessity for the increase thereof as food products, represent:

After careful consideration, we have concluded that the situation can be materially remedied by the enactment of a bill by the present Legislature suspending for the period of the war restrictions relating to the taking of fish, oysters and shrimp from salt waters on the Texas coast. We have prepared a bill which is attached hereto as embodying the essential conclusions reached by us, they being the same conclusions reached at a meeting held at the Bender Hotel, Houston, on January 3, 1918, attended by the U. S. Food Administrator for Texas, some 125 fishermen and wholesale fish dealers, representatives of the Game, Fish and Oyster Department of Texas, and also being the conclusions reached at a conference held in New Orleans, Louisiana, on February 2, 1918, attended by the United States Food Administrators for the Gulf States and representatives of the various Game, Fish and Oyster Departments of such States, and representatives of fishermen and wholesale dealers in fish, oysters, etc.

We respectfully request that you submit to the present Legislature the bill hereto attached and urge its immediate enactment by the Legislature with the



emergency clause as a war measure tending to conserve the supply of red meat by increasing the production of fish, oysters and shrimp.

Respectfully submitted,  
(Signed) ROY JACKSON,  
DUNCAN RUTHVEN,  
Representing Wholesale Fish Dealers.  
T. E. HUBBY,  
V. G. THOMAS,  
Representing Game, Fish and Oyster Department of Texas.  
S. A. McMEANS,  
J. F. WOLTERS,  
Representing U. S. Food Administration.

I have read the above letter and the bill to which it refers and same meets my unqualified approval, and I join in the request made in the letter for the submission of the bill to the Legislature and its enactment for the reasons stated in said letter.

(Signed) E. A. PEDEN,  
U. S. Food Administrator for Texas.

(Copy.)

#### A BILL

To Be Entitled

An Act to suspend certain provisions of Chapter 146, General Laws of 1913, page 297 et seq., during the period of the war between the United States and the Imperial German government, and for twelve months after the President shall have proclaimed that a treaty of peace has been concluded, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That during the period of the war between the United States and the Imperial German government, and for twelve months after the President shall have proclaimed that a treaty of peace has been concluded, the provisions contained in Chapter 146, General Laws of Texas, 1913, page 297 et seq., providing for a closed season against seining for fish in the salt waters on the Texas coast during June, July and August; the provisions limiting the length of seines to be used in taking shrimp; the provisions restricting the size of redfish to be taken and sold to twelve pounds in weight be and are hereby suspended. Provided, further, that redfish, speckled trout and mackerel, under eleven inches

in length, and flounder, sheephead and pompano under one-half pound in weight shall not be taken and sold, and provided further that the right to take and sell oysters shall include the month of April.

Sec. 2. The fact that the United States Food Administrator for the State of Texas urges this legislation as necessary to increase the production of fish, oysters and shrimp during the period of the war between the United States and the Imperial German government, and the crowded condition of the calendar at this time and the short duration of this session creates an emergency and an imperative public necessity, which requires that the constitutional rule providing that bills shall be read on three several days be suspended and said rule is hereby suspended and that this act take effect and be in force on and after its passage, and it is so enacted.

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. J. T. Tilson of Hale county, I submit for your consideration An Act to prevent horses and certain other animals from running at large in Armstrong county.

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. F. R. Smith of Scurry county, I submit the following subject for your consideration: "An Act to establish Common School District No. 19 in Dickens county, so as to include certain lands heretofore in Common School District No. 1 of said Dickens county, Texas."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

#### TO ENTERTAIN MISS VAN GASTEL.

The Speaker announced the appointment of the following committee to entertain Miss Van Gastel, who will address the House on the evening of March 6: Mr. Thomason of El Paso, Mr. McCord and Mr. Butler.

## HOUSE BILL NO. 15 WITH SENATE AMENDMENTS.

The Speaker laid before the House, with Senate amendments, for consideration of the Senate amendments,

H. B. No. 15, A bill to be entitled "An Act declaring that if any person shall knowingly, during the time the United States of America is at war, use any language, in the presence and hearing of another, or of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, or color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, which language is disloyal to the United States of America, or abusive in character and calculated to bring into disrepute the United States of America, the entry, or continuance of the United States of America in the war, the army, navy, marine corps of the United States of America, or any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, of such a nature as to be reasonably calculated to provoke a breach of peace, if said in the presence and hearing of a citizen of the United States of America, shall be a felony, and fixing the punishment for such action to confinement in the State penitentiary for any period of time not less than one year nor more than twenty-five years; declaring that if any person shall, during the time the United States of America is at war, commit to writing, or printing, or both writing and printing, by letters, words, signs, figures, or in any other manner and in any language anything of the kind of and concerning those things just enumerated in this caption, and of the kind and character thus stated in this caption that such person shall be guilty of a felony, and shall be punished as above stated; declaring that any person who shall knowingly, publicly, or privately, mutilate, deface, defile, defy, tramp upon, or cast contempt upon, either by words or acts, upon any flag, standard, color, or ensign of the United States of America, or that of any of its officers, or either of them, shall be guilty of a felony and punished as just stated; declaring that any person who during the war between the United States and any other nation shall knowingly display, or have in his possession

for any purpose whatsoever, any flag, standard, color, or ensign, or coat of arms of any nation with which the United States is at war, or any imitation thereof, or that of any State, subdivision, city or municipality of any such nation, shall be guilty of a felony, and punished by confinement in the penitentiary for the length of time first stated in this caption; authorizing any person, officer or other person, to arrest, without warrant, anyone violating any section of this act; prescribing the force and measures which may be adopted in such case; declaring that any person, officer or other person about to make such arrest shall have authority to require any person violating the provisions of this act to desist from such violation, and authorizing the use of such force and measures as are necessary to cause such person to so desist; fixing venue and jurisdiction for violations of this act in the district courts of the counties in which such violations occur and in the district court of Travis county, Texas, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Bledsoe further consideration of the Senate amendments was postponed until 2 o'clock p. m. tomorrow and the Senate amendments were ordered printed in the Journal.

The Senate amendments are as follows:

## Amendment No. 1.

Amend H. B. No. 15, page 3, at the end of line 2, by changing the word "or" to the word "of."

## Amendment No. 2.

Amend the bill by striking out in line 16, Section 5, page 4, the word "person" after the word "any." Amend the bill further, page 4, line 16, by striking out the words "or any other person." Amend the bill further, page 4, line 19, by striking out the words "or other person." Amend the bill further, page 4, line 22, by striking out the words "person" and "or other person."

## Substitute for Pending Amendment No. 3.

Amend H. B. No. 15, page 2, line 28, by inserting after the word "America," the following: "Or the President of the United States or,"

## Amendment No. 4.

Amend printed bill by inserting after the word "America," page 3, line 3, and also after the word "States," where it first occurs in line 23, page 3, the following: "Or the President of the United States or."

## Amendment No. 5.

Amend the bill by striking out figure 7 in line 26 and insert figure 8.

Amend bill by adding a new section after Section 6 to be known as Section 7, to read as follows: "It shall be the duty of any person, who shall hear, see or know of any person violating any of the provisions of this act, to immediately report the same to some officer authorized to make arrests in such cases, and it shall be the duty of said officer to forthwith cause the arrest of such person, or persons, against whom such charge has been filed, and to immediately carry him before some officer, whose duty it shall be to thoroughly investigate the charges, and to make such orders and to enter such judgments as to such person as the law may direct. Amend the caption to conform.

## Amendment No. 6.

Amend H. B. No. 15, Section 2, line 5, by inserting after the word "States," the following: "Or the President of the United States or."

## Amendment No. 7.

Amend the bill by striking out the words "That of" in line 1, page 3, and insert in lieu thereof the words, "The uniform of," and after the word officer, in line 1, page 3, the words, "of the army," and amend the caption to conform thereto.

## Amendment No. 8.

Amend the bill by striking out the words "That of," in line 6, page 3, and insert the words, "The uniform of," and insert in line 6, page 3, after the word, "the," at the end of said line, the words, "of the army of," and amend the caption to conform thereto.

## Amendment No. 9.

Amend the bill by striking out the word, "that," in line 21, page 3, and insert after the word, "any," in line 21, page 3, the word, "uniform," and amend the caption to conform thereto.

## Amendment No. 10.

Amend the bill, page 4, line 2, by erasing the second word, "upon."

## HOUSE BILL NO. 10 WITH SENATE AMENDMENTS.

Mr. Thomason of El Paso called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 10, A bill to be entitled "An Act to amend Article 611 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of spirituous or vinous liquors in quantities of one gallon or less, without taking out a license as a retail liquor dealer; prescribing a penalty for the violation of this act; providing that prosecutions under this act shall have precedence upon the dockets of the district court; providing that persons convicted of violations of this act shall not have the benefits of the suspended sentence act, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Thomason of El Paso, the House concurred in the Senate amendments.

Mr. Bledsoe moved to reconsider the vote by which the House concurred in Senate amendments.

The motion to reconsider prevailed.

The Clerk was directed to call the roll, and the House concurred in the Senate amendments to House bill No. 10 by the following vote:

Yeas—104.

Atlee.	Davis of Dallas.
Bass.	Davis of Grimes.
Beard.	Davis of Harris.
Beasley.	Davis
Bell.	of Van Zandt.
Bennette.	De Bogory.
Bertram.	Dodd.
Blackburn.	Dudley.
Blackmon.	Estes.
Bledsoe.	Fly.
Bryan.	Ford.
Burton of Rusk.	Greenwood.
Butler.	Haidusek.
Cadenhead.	Hardey.
Canales.	Harris.
Carlock.	Henderson.
Cates.	Hill.
Clark.	Holland.
Cope.	Johnson of Blanco.
Cox of Bee.	Jones.
Cox of Ellis.	King.
Crudgington.	Laas.

Lackey.	Smith of Hopkins.
Laney.	Smith of Scurry.
Lanier.	Spencer.
Lee.	Spradley.
McComb.	Sneed.
McCord.	Stewart.
McDowra.	Strayhorn.
McFarland.	Taylor.
McMillin.	Templeton.
Mathis.	Terrell.
Meador.	Thomas.
Miller of Austin.	Thomason
Morris.	of El Paso.
Murphy.	Thomason
Murrell.	of Nacogdoches.
Neill.	Thompson
O'Banion.	of Hunt.
Osborne.	Tillotson.
Parks.	Tilson.
Peyton.	Tinner.
Poage.	Traylor.
Pope.	Upchurch.
Raiden.	Vaughan.
Reeves.	Veatch.
Richards.	Wahrmund.
Roemer.	White.
Rogers.	Williams
Sackett.	of Brazoria.
Sallas.	Williford.
Sentell.	Wilson.
Schlosshan.	Woods.
Seawright.	Yantis.
Smith of Bastrop.	

Nays—1.

Brown.

Present—Not Voting.

Schlesinger.

Absent.

Bagby.	Monday.
Beason.	Moore.
Bedell.	Nordhaus.
Burton of Tarrant.	O'Brien.
Dunnam.	Pillow.
Fairchild.	Sholars.
Johnson of Ellis.	Stephens.
Lacey.	Swope.
Lindemann.	Valentine.
McCoy.	Walker.
Metcalf.	

Absent—Excused.

Baker.	Mendell.
Bland.	Miller of Dallas.
Denton.	Robertson.
Holaday.	Thompson
Hudspeth.	of Red River.
Lange.	Williams
Lowe.	of McLennan.

Mr. Bledsoe moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate amendments to House bill No. 11, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

(Mr. McMillin in the chair.)

## HOUSE BILL NO. 11 WITH SENATE AMENDMENTS.

Mr. Bledsoe called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 11, A bill to be entitled "An Act to amend Article 612 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of malt liquors capable of producing intoxication, in quantities of one gallon or less without taking out a license as a retail malt dealer; prescribing a penalty for the violation of this act; providing that prosecutions thereunder shall have precedence in the district court; providing that persons convicted for violations of this act shall not have the benefit of the suspended sentence act, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

The Clerk was directed to call the roll, and the House concurred in the Senate amendments to House bill No. 11 by the following vote:

Yeas—101.

Atlee.	Davis of Harris.
Bass.	Davis
Beard.	of Van Zandt.
Beasley.	De Bogory.
Bedell.	Dodd.
Bell.	Dudley.
Bertram.	Dunnam.
Blackburn.	Estes.
Blackmon.	Fly.
Bledsoe.	Ford.
Bryan.	Haidusek.
Burton of Rusk.	Hardey.
Butler.	Henderson.
Cadenhead.	Hill.
Canales.	Holland.
Carlock.	King.
Cates.	Laas.
Clark.	Lackey.
Cope.	Laney.
Cox of Bee.	Lanier.
Cox of Ellis.	Lee.
Crudgington.	Lindemann.
Davis of Dallas.	McComb.
Davis of Grimes.	McCord.



McDowra.	Spencer.
McFarland.	Spradley.
McMillin.	Sneed.
Mathis.	Stewart.
Meador.	Stephens.
Miller of Austin.	Strayhorn.
Morris.	Taylor.
Murphy.	Templeton.
Murrell.	Terrell.
Neill.	Thomas.
O'Banion.	Thomason
Osborne.	of El Paso.
Parks.	Thomason
Peyton.	of Nacogdoches.
Poage.	Thompson
Pope.	of Hunt.
Raiden.	Tillotson.
Reeves.	Tilson.
Roemer.	Traylor.
Rogers.	Vaughan.
Sackett.	Veatch.
Sallas.	Wahrmund.
Sentell.	White.
Schlesinger.	Williams
Schlosshan.	of Brazoria.
Seawright.	Williford.
Smith of Bastrop.	Wilson.
Smith of Hopkins.	Woods.
Smith of Scurry.	Yantis.

## Nays—4.

Brown.	Harris.
Greenwood.	Walker.

## Absent.

Bagby.	Monday.
Beason.	Moore.
Bennette.	Nordhaus.
Burton of Tarrant.	O'Brien.
Fairchild.	Pillow.
Johnson of Blanco.	Richards.
Johnson of Ellis.	Sholars.
Jones.	Swope.
Lacey.	Tinner.
McCoy.	Upchurch.
Metcalfe.	Valentine.

## Absent—Excused.

Baker.	Mendell.
Bland.	Miller of Dallas.
Denton.	Robertson.
Holaday.	Thompson
Hudspeth.	of Red River.
Lange.	Williams
Lowe.	of McLennan.

## COMMITTEE TO ENTERTAIN MR. MASEFIELD.

The Speaker announced the appointment of the following committee to entertain Mr. Masefield, who will address the House this afternoon:

Mr. Thomason of El Paso, Mr. Spencer and Mr. Mathis.

## INVITING HON. AUBREY T. STELL TO ADDRESS THE HOUSE.

Mr. McCoy offered the following resolution:

Whereas, The Hon. Aubrey T. Stell, a former member of the Legislature, is in the bar of the House; therefore be it

Resolved, That he be extended an invitation to address the House.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. McCoy and Mr. McDowra to escort Mr. Stell to the Speaker's stand.

The committee having performed their duty, Mr. Stell addressed the House, being introduced by the Speaker.

## RECESS.

On motion of Mr. Dodd, the House, at 11:45 o'clock a. m., took recess to 2:30 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

## ADDRESS BY HON. WM. PIERSON.

Mr. Thompson of Hunt offered the following resolution:

Whereas, The Hon. Wm. Pierson of Greenville, formerly a distinguished member of the Twenty-seventh and Twenty-eighth Legislatures, is now within the bar of the House; therefore be it

Resolved, That he be invited to address the members of this body.

Signed—Thompson of Hunt, Tilson, Bertram, Lee, Smith of Hopkins, Vaughan.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Mr. Thompson of Hunt, Mr. Tilson, Mr. Bertram, Mr. Lee, Mr. Smith of Hopkins and Mr. Vaughan as a committee to escort Mr. Pierson to the Speaker's stand.

The committee having performed their duty, Mr. Pierson, being introduced by Mr. Vaughan, addressed the House.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has, passed

S. B. No. 15, A bill to be entitled "An Act to amend Article 7447, Chapter 5, Title 126 of the Revised Civil Statutes of Texas of 1911, so as to hereafter provide that no license shall be granted to any dealer in either spirituous, vinous or malt liquors except within incorporated cities and towns and prescribing the distance from certain institutions and places within which no license for such business shall be granted, and declaring an emergency," with engrossed rider

H. B. No. 14, A bill to be entitled "An Act to prohibit making an appointment for, or soliciting any person in the service of the United States military or naval forces, to meet or come in contact with any immoral woman, for the purpose of unlawful sexual intercourse, and declaring an emergency," with amendment.

Respectfully,

J. B. BENNETT,

Assistant Secretary of the Senate.

ADDRESS BY HON. DON H. BIGGERS.

Mr. Bledsoe offered the following resolution:

Whereas, The Hon. Don Biggers, a former member of the Texas Legislature, is now in the city; therefore, be it

Resolved, That he be invited to address the Legislature upon all subjects before the present, past and future Legislatures.

The resolution was read second time and was adopted.

In accordance with above action, the Speaker announced the appointment of Mr. Bledsoe and Mr. Smith of Scurry to escort Mr. Biggers to the Speaker's stand.

The committee having performed their duty, Mr. Biggers then addressed the House, being introduced by Mr. Bledsoe.

ADDRESS BY HON. LEA BEATY.

Mr. Richards offered the following resolution:

Whereas, The Hon. Lea Beaty of Lockhart, formerly a member of this House, is within the bar of the House; therefore, be it

Resolved, That he be invited to address the House.

Signed—Richards, Blackburn.

The resolution was read second time and was adopted.

In accordance with above action, the

Speaker announced the appointment of Mr. Richards and Mr. Blackburn as a committee to escort Mr. Beaty to the Speaker's stand.

The committee having performed their duty, Mr. Beaty being introduced by the Speaker addressed the House.

BILL ORDERED NOT PRINTED.

On motion of Mr. Sackett, it was ordered that House bill No. 32 be not printed.

ADDRESS BY HON. JOHN MASEFIELD.

In accordance with a resolution heretofore adopted by the House, the committee appointed this morning to entertain Mr. Masefield, escorted him to the Speaker's stand, who, being introduced by Mr. Thomason of El Paso, addressed the House.

SENATE BILL ON FIRST READING.

Senate bill No. 15 was laid before the House, read first time and referred to the Committee on Liquor Traffic.

EXTRA COPIES OF HOUSE BILL NO. 28 ORDERED PRINTED.

On motion of Mr. Canales, 200 extra copies of House bill No. 28 were ordered printed.

MESSAGES FROM THE GOVERNOR.

Mr. John D. McCall, secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor, which were read to the House:

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. W. H. Bledsoe, I submit for your consideration the following subject amending Chapter 4 of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth  
Called Session.

Gentlemen: At the request of Senator W. A. Johnson and Hon. W. H. Bledsoe and Hon. J. T. Tilson; I submit for your consideration the subject of amending Article 1361, Chapter 2, Title 28, of the Revised Civil Statutes, so as to provide for the organization of such unorganized or disorganized counties in the State upon the petition of seventy-five qualified voters residing in such organized or disorganized county.

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth  
Called Session.

Gentlemen: At the request of Hon. Eugene Nordhaus of Bexar county, I submit the following subject for your consideration: "An Act relating to the manner of summoning jurors in all counties in this State having three or more district courts."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

#### INVITATION FROM TEXAS LAND MARK.

The Speaker handed to the Clerk and had read the following communications:

San Antonio, Texas, March 4, 1918.

Hon. W. P. Hobby, Governor of Texas,  
Austin:

Tablets, commemorating the fall of the Alamo and marking the spots where the bodies of the Texas heroes slain then will be unveiled and dedicated here on Wednesday morning, March 6, at 10 o'clock. You and your official family are cordially invited to attend the ceremonies incident to the occasion. You are also requested to notify both branches of the Legislature and convey an invitation to the Senate and House of Representatives of Texas to attend and participate in the ceremonies.

Cordially,  
MRS. MARY B. GAINSLER,  
Vice President.

MRS. H. J. WAGENFEHR,  
Secretary Texas Land Mark.

Austin, Texas, March 5, 1918.

Mrs. Mary B. Gainslen, Vice President,  
San Antonio, Texas:

Sincerely regret that it will be impossible for me to attend the ceremonies incident to commemorating the fall of the Alamo and marking the spots where the heroes were slain. The unusual accumulation of official business makes it impossible for me to leave the office at this time. At your request the telegram has been forwarded to both branches of the Legislature.

W. P. HOBBY,  
Governor of Texas.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Mendell and Mr. Thomason of Nacogdoches:

H. B. No. 27, A bill to be entitled "An Act to amend Articles 475 and 476 of the Penal Code of the State of Texas, prohibiting the carrying of any pistol, dirk, dagger, sling shot, sword cane, or knuckles made of any material or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or defense; prescribing a punishment therefor; making exceptions thereto in favor of certain officers, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Tillotson, Mr. Hardey, Mr. Bryan, Mr. Williams of Brazoria, Mr. Fly, Mr. Lee, Mr. Beasley, Mr. Parks, Mr. Canales, Mr. Miller of Austin, Mr. Blackburn, Mr. Laas, Mr. Davis of Grimes, Mr. Mathis, Mr. Pope and Mr. Monday:

H. B. No. 28, A bill to be entitled "An Act to make effective the provisions of Section 59 of Article 16 of the Constitution; providing for the creation of a Conservation Department of the State Government, into which shall be merged the Departments of the State Reclamation Engineer, and of the Board of Water Engineers, and for the appointment of a Conservation Commission to administer this act, and the defining of the powers and duties of the said Commission; providing, that all laws now administered by the Departments of the State Reclamation Engineer and the Board of Water Engineers, and particularly of the Chapters 146 of the Acts of the Thirty-fourth Legislature, Chapter 118 of the

Acts of the Thirty-second Legislature, and amendments to said Chapter 118 contained in Chapter 36 of Acts of the Thirty-third Legislature, First Called Session, and in Chapter 33, Acts of the Thirty-fourth Legislature and of the provisions of Chapter 87 of the Acts of the Thirty-fifth Legislature, and of Chapter 88 of the Acts of the Thirty-fifth Legislature, shall be cumulative of the provisions of this act; providing, however, that until February 1, 1919, the provisions of this act for the appointment of the members of such Conservation Commission and the organization of the Conservation Department shall not become effective and that pending such time the provisions of this act which relate to the exercise of powers and duties of like character to those now exercised by the State Reclamation Engineer and the Board of Water Engineers shall be exercised and performed by the two said departments; providing for the organization of reclamation districts, and generally for the manner of government of such districts and the exercise of powers by such districts, and for the performance of the duties imposed upon the administrative bodies of such districts; providing for defining the general outline of conservation districts and for their further designation; providing for the manner of raising revenue and the disbursement thereof necessary to effect the purposes of organization and administration of such reclamation districts; providing the mode in which reclamation districts may be abolished where such districts have not issued bonds or other forms of obligation; and declaring an emergency."

Referred to Committee on Irrigation.

By Mr. Schlesinger:

H. B. No. 29, A bill to be entitled "An Act to suspend certain provisions of Chapter 146, General Laws of 1913, page 297 et seq., during the period of the war between the United States and the imperial German government, and for twelve months after the President shall have proclaimed that a treaty of peace has been concluded, and declaring an emergency."

Referred to Committee on Fish, Game and Oysters.

By Mr. Tilson:

H. B. No. 30, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legis-

lature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Armstrong county, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Smith of Scurry:

H. B. No. 31, A bill to be entitled "An Act to establish Common School District No. 19 in Dickens county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Sackett:

H. B. No. 32, A bill to be entitled "An Act to diminish and to re-establish the limits of Talpa Independent School District; repealing all laws so far as they conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Bledsoe and Mr. Tilson:

H. B. No. 33, A bill to be entitled "An Act amending Article 1361, Chapter 2, Title 28, of the Revised Civil Statutes, so as to provide for the organization of such unorganized or disorganized counties in the State upon the petition of seventy-five qualified voters residing in such organized or disorganized county; and that such article when so amended shall read as follows, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Bledsoe:

H. B. No. 34, A bill to be entitled "An Act to amend Chapter 4 of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose same; attaching the unorganized counties of Hockley and Cochran to the county of Lubbock for judicial and all other purposes; making process issued or served before this act takes effect, including recognizances and bonds returnable to the terms of court as herein fixed, and form all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

Referred to Committee on Judicial Districts.



## ADJOURNMENT.

On motion of Mr. Smith of Scurry, the House, at 3:20 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

## APPENDIX.

## REPORT OF COMMITTEE ON COUNTIES.

Committee Room,  
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Counties, to whom was referred House bill No. 33, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Blackburn has been appointed to make a full report thereon.

HARDEY, Chairman.

## REPORT OF COMMITTEE ON LIQUOR TRAFFIC.

Committee Room,  
Austin, Texas, March 4, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 26, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Seawright has been appointed to make a full report thereon.

McMILLIN, Chairman.

## REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,  
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 34, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Beard of Milam has been appointed to make a full report thereon.

TEMPLETON, Chairman.

## REPORT OF COMMITTEE ON STOCK AND STOCK RAISING.

Committee Room,  
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 30, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendment.

NEILL, Vice-Chairman.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-fifth Congress of the United States of America at its Second Session, which amendment provides, in substance, that one year after the ratification of the amendment the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, is prohibited; that Congress and the several States shall have concurrent power to enforce this article by appropriate legislation, and providing further, that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress,

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:06 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

## EIGHTH DAY.

(Wednesday, March 6, 1918.)

The House met at 9 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present: